

AMENDED IN ASSEMBLY JUNE 14, 2012

AMENDED IN SENATE MAY 14, 2012

AMENDED IN SENATE MARCH 27, 2012

**SENATE BILL**

**No. 975**

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**Introduced by Senator Wright**

January 19, 2012

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An act to add Section 101.2 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 975, as amended, Wright. Professions and vocations: regulatory authority.

Existing law, the Business and Professions Code, provides for the licensure and regulation of various professions and vocations by boards, bureaus, and commissions within the Department of Consumer Affairs. Under existing law, a city or county shall not prohibit a person or group of persons, authorized by one of these boards, bureaus, or commissions, as specified, to engage in a particular business from engaging in that business, and shall not prohibit a healing arts professional licensed by one of those boards from engaging in any act or performing any procedure that falls within the professionally recognized scope of practice of that licensee.

This bill would provide that those boards, bureaus, and commissions have the sole and exclusive authority to license and regulate the practice of professions and vocations regulated by those boards pursuant to provisions of that code, and that no licensing requirements, as specified, shall be imposed upon a person licensed to practice one of those professions or vocations other than under that code or by regulation

promulgated by the applicable board through its authority granted under that code. The bill would prohibit a city, county, city and county, school district, other special district, a local or regional agency, ~~or joint powers agency, or state agency, department or other state office, except for those boards,~~ from imposing a licensing requirement upon a person licensed to practice a profession or vocation regulated by one of these boards. *The bill would exempt requirements imposed upon persons licensed by the Contractors' State License Board and employees of those persons from the operation of these provisions.* The bill would state findings and declarations of the Legislature.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) The State and Consumer Services Agency contains the
- 3 Department of Consumer Affairs, which contains approximately
- 4 38 boards, bureaus, and commissions the mission of which is to
- 5 regulate specified professions and vocations. In addition to those
- 6 boards, bureaus, and commissions, the state government also is
- 7 comprised of dozens of other state agencies, departments, boards,
- 8 bureaus, and commissions.
- 9 (b) California local government is comprised of 58 counties,
- 10 approximately 470 cities, and over 2,000 special districts, local
- 11 and regional agencies, and joint powers agencies.
- 12 (c) If other state governmental entities or local governmental
- 13 entities were to require persons licensed to practice a profession
- 14 or vocation by a board, bureau, or commission within the
- 15 Department of Consumer Affairs to satisfy additional licensing
- 16 requirements in order to practice their professions or vocations,
- 17 before or within the respective governmental entity, this would
- 18 impose enormous regulatory burdens upon those persons.
- 19 (d) The practice of adopting continuing education requirements
- 20 through regulatory action, and the imposition of mandatory training
- 21 programs to satisfy requirements for licensure, certification, or
- 22 registration, is becoming more prevalent with each passing year
- 23 as authority is shifted from direct legislative action to increasingly
- 24 broad, yet undefined, regulatory mandates.

1 (e) The imposition of educational and training requirements by  
2 these governmental entities, in addition to state licensing  
3 requirements, inhibits the practice of those professions within or  
4 before those governmental entities.

5 (f) Further, as additional licensing requirements are imposed,  
6 it is becoming difficult and impractical for the state and local  
7 governmental entities to administer conflicting and diverse  
8 requirements, resulting in greater confusion and increased costs.

9 (g) It is therefore imperative that the licensed professions and  
10 vocations have a single set of licensing requirements that apply  
11 uniformly throughout the state and apply equally in all state and  
12 local governmental entities, and that licensed professionals clearly  
13 understand the expectations with which they must comply in order  
14 to legally operate within their scopes of practice in the state.

15 SEC. 2. Section 101.2 is added to the Business and Professions  
16 Code, to read:

17 101.2. (a) (1) The boards specified in Section 101 shall have  
18 the sole and exclusive authority to license and regulate the practice  
19 of professions and vocations regulated by those boards pursuant  
20 to provisions of this code.

21 (2) No city, county, city and county, school district, other special  
22 district, local or regional agency, ~~or joint powers agency, or state~~  
23 ~~agency, department, or other state office, except for the boards~~  
24 ~~specified in Section 101~~, shall impose a licensing requirement upon  
25 a person licensed to practice a profession or vocation regulated by  
26 a board specified in Section 101.

27 (3) A licensing requirement shall not be imposed upon a person  
28 licensed to practice a profession or vocation regulated by a board  
29 specified in Section 101 other than by this code or by regulation  
30 promulgated by the applicable board through its authority granted  
31 under this code.

32 (b) For purposes of this section, “licensing requirements”  
33 include, but are not limited to, the following with respect to a  
34 profession or vocation licensed and regulated by a board specified  
35 in Section 101:

36 (1) Additional training or certification requirements to practice  
37 within the scope of practice of a profession or vocation licensed  
38 under this code.

39 (2) Continuing education requirements for renewal or  
40 continuation of licensure.

1 (3) Any additional experience or qualification requirements  
2 beyond those provided in this code or pursuant to regulations  
3 promulgated by the applicable board specified in Section 101  
4 through its authority granted under this code.

5 *(c) This section shall not apply to requirements imposed upon*  
6 *persons licensed by the Contractors' State License Board or*  
7 *employees of those persons.*

8 ~~(e)~~

9 *(d)* Nothing in this section shall be construed to do either of the  
10 following:

11 (1) Prohibit parties from contractually agreeing to additional  
12 experience, qualifications, or training of a licensee under this code  
13 in connection with performance of a contract.

14 (2) Prohibit a licensee from voluntarily undertaking satisfaction  
15 of certification programs not required under this code for licensure  
16 by a board specified in Section 101.